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[John.Finnigan@duke-energy.com](mailto:John.Finnigan@duke-energy.com)

John J. Finnigan, Jr.  
Associate General Counsel

**VIA OVERNIGHT MAIL**

July 10, 2006

RECEIVED

Ms. Elizabeth O'Donnell  
Executive Director,  
Kentucky Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, Kentucky 40602-0615

JUL 11 2006

PUBLIC SERVICE  
COMMISSION

Re: In the Matter of Consideration of the Requirements of the Federal Energy Policy Act of 2005 Regarding Time-Based Metering, Demand Response and Interconnection Service Case No. 2006-00045

Dear Ms. O'Donnell:

Enclosed please find an original and 12 copies of the Motion for Admission *Pro Hac Vice* to admit Rocco O. D'Ascenzo to represent The Union Light, Heat and Power Company d/b/a Duke Energy Kentucky, which are being submitted to you for filing in the above-referenced case.

Please return the extra copies to me file-stamped in the enclosed self-addressed, stamped envelope.

If you have any questions, please feel free to contact me at (513) 287-3601.

Sincerely,

John J. Finnigan, Jr.  
Associate General Counsel

JJF/sew

Enclosures

cc: All counsel of record (w/enc.)

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**RECEIVED**

JUL 11 2006

PUBLIC SERVICE  
COMMISSION

IN THE MATTER OF CONSIDERATION            )  
OF THE REQUIREMENTS OF THE                )  
FEDERAL ENERGY POLICY ACT OF 2005    )  
REGARDING TIME- BASED METERING,        )  
DEMAND RESPONSE AND                        )  
INTERCONNECTION SERVICE                    )

CASE NO. 2006-00045

**MOTION TO ADMIT ROCCO O. D'ASCENZO PRO HAC VICE**

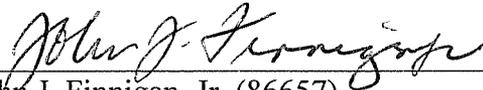
John J. Finnigan, Jr., an attorney licensed to practice in the Commonwealth of Kentucky, hereby moves the Commission to admit Rocco O. D'Ascenzo to practice law before the Commission *pro hac vice*, on behalf of The Union Light, Heat and Power Company d/b/a Duke Energy Kentucky, Inc. ("Duke Energy Kentucky"), in the above-captioned proceeding.

Rocco O. D'Ascenzo is Regulatory Counsel, employed by Duke Energy Shared Services, Inc., a subsidiary of Duke Energy Corporation. Applicant's business address is 139 East Fourth Street, Cincinnati, Ohio 45201. Further, Rocco O. D'Ascenzo having been admitted in 2004, is a member in good standing with the bar of the state of Ohio, Registration No. 0077651, and has never been suspended, disbarred or resigned as a result of disciplinary charge, investigation, or proceeding from the practice of law in any jurisdiction. No disciplinary proceeding has ever been filed against Rocco O. D'Ascenzo nor is any presently pending against him in any jurisdiction. In connection with this proceeding, Rocco O. D'Ascenzo agrees to be subject to the rules of the Commission and the Kentucky Bar Association. An affidavit executed by Rocco O. D'Ascenzo attesting to these facts is attached hereto.

Furthermore, attached please find the original Kentucky Bar Association Out-Of-State Certification on behalf of Rocco O. D'Ascenzo indicating Rocco O. D'Ascenzo's compliance with Supreme Court Rule 3.030(2), and the attached Affidavit of Rocco O. D'Ascenzo.

WHEREFORE, Duke Energy Kentucky, through counsel, specifically requests the Commission to grant its motion to allow Rocco O. D'Ascenzo to appear and practice before it in the above-entitled matter *pro hac vice*.

Respectfully submitted,



---

John J. Finnigan, Jr. (86657)

Associate General Counsel

Duke Energy Shared Services, Inc.

139 E. Fourth Street, 2500 Atrium II

Cincinnati, Ohio 45201

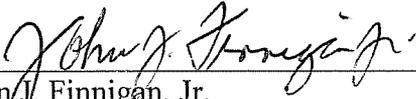
(513) 287-3601

Fax (513) 287-3810

[John.Finnigan@duke-energy.com](mailto:John.Finnigan@duke-energy.com)

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this 10<sup>th</sup> day of July, 2006, served the foregoing Motion to Admit Rocco O. D'Ascenzo *Pro Hac Vice* by mailing copies, first class, postage prepaid, to the parties of record in this case, listed below.

  
\_\_\_\_\_  
John J. Finnigan, Jr.  
Associate General Counsel

Honorable Elizabeth E. Blackford  
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Larry Hicks  
Salt River Electric Cooperative  
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Legal Aid Society  
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Meade County R.E.C.C.  
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American Electric Power  
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Big Rivers Electric Corp.  
201 Third St., P.O. Box 24  
Henderson, KY 42420

**AFFIDAVIT OF ROCCO O. D'ASCENZO**

State of Ohio            )  
                                  )        SS:  
County of Hamilton    )

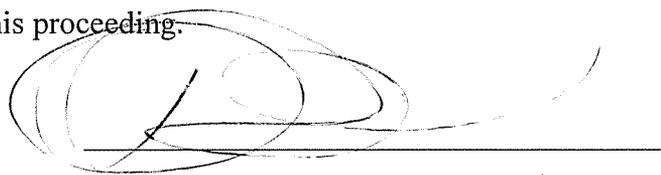
Comes now Rocco O. D'Ascenzo employed by Duke Energy Shared Services, Inc., and does hereby attest as follows:

(1) I submit this Affidavit to the Kentucky Public Service Commission in connection with my request to be admitted to practice *Pro Hac Vice* before the Commission in Case No. 2006-00045.

(2) I was admitted to the bar of the State of Ohio in 2004, Registration No. 0077651, am a member in good standing with the bar of that state, and have never been suspended, disbarred or resigned as a result of disciplinary charge, investigation, or proceeding from the practice of law in any jurisdiction. No disciplinary proceedings have ever been filed against me, nor are any presently pending against me in any jurisdiction.

(3) I agree to be subject to the rules of the Commission and the Kentucky Bar Association in connection with the proceedings before the Public Service Commission in Case No. 2006-00045. In accordance with Supreme Court Rule 3.030(2), I agree to have a member of the Kentucky Bar Association present with me as co-counsel during the hearing in Case No. 2006-00045 and at all other times required by the Commission.

(4) I have complied with Supreme Court Rule 3.030(2), and hereby attach a copy of the Kentucky Bar Association Out-Of-State Certification provided by the Kentucky Bar Association to me for this proceeding.



Sworn and subscribed before me by Rocco D'Ascenzo on this 7<sup>TH</sup> day of JULY 2006.



**ADELE M. DOCKERY**  
Notary Public, State of Ohio  
My Commission Expires  
January 5, 2009

  
Notary Public

My Commission Expires: 1/5/09

# KENTUCKY BAR ASSOCIATION

514 WEST MAIN STREET  
FRANKFORT, KENTUCKY 40601-1883  
(502) 564-3795  
FAX (502) 564-3225

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## KENTUCKY BAR ASSOCIATION OUT-OF-STATE CERTIFICATION FORM

**COURT** Kentucky Public Service Commission

**CASE NO.** 2006-00045

**SCR 3.030 Membership, practice by nonmembers and classes of membership**

(2) A person admitted to practice in another state, but not in this state, shall be permitted to practice a case in this state only if that attorney subjects himself or herself to the jurisdiction and rules of the court governing professional conduct, pays a per case fee of \$100.00 to the Kentucky Bar Association and engages a member of the association as co-counsel, whose presence shall be necessary at all trials and at other times when required by the court. No motion for permission to practice in any state court in this jurisdiction shall be granted without submission to the admitting court of a certification from the Kentucky Bar Association of receipt of this fee.

The Kentucky Bar Association certifies that Rocco O. D'Ascenzo, Jr. has paid the per case fee of \$100.00 in the above referenced case as required in SCR 3.030(2).

  
\_\_\_\_\_  
Nicole A. Key, Deputy Registrar